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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/521,065

01/12/2005

Arthur Mitchell

049647/284938

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02/11/2008

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EXAMINER

COPPOLA, JACOB C

ART UNIT

PAPER NUMBER

4143

MAIL DATE

DELIVERY MODE

02/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/521,065 | Applicant(s) MITCHELL ET AL. | |
| | Examiner JACOB C. COPPOLA | Art Unit 4143 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on 12 January 2005.
2. Claims 1-4 are currently pending and have been examined.

Drawings

3. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method of conducting virtual meetings, in conjunction with physical meetings, by use of digital certificates, notifications complying with requirements, and encrypted electronic ballots.

Claim Objections

5. Claim 2 is objected to because of the following informalities: claim recites *computer to evaluate the whether a remote*. This appears to be a minor grammatical error in the unnecessary use of the word “the”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. As per claim 1, Applicant fails to concisely define the metes and bounds of their invention by claiming that *delivering, collecting, and tabulating... to those persons attending the meeting electronically*. This claim lacks a clear and concise structure that would allow the examiner to ascertain to which the “electronically” is directed, to the “delivering, collecting, and tabulating” or to the manner in which the persons are attending the meeting. In light of this lack of clarity, Examiner will interpret the claim as consistently as possible. Appropriate correction is required.

9. Claim 1 recites the limitation "said notification" in lines 1 and 2 of limitation A. There is insufficient antecedent basis for this limitation in the claim.

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10. As per claim 1, Examiner acknowledges the Applicant's step of *notifying potential meeting attendees*. However, this step does not include sending a notification, as claimed, thus resulting in "said notification" lacking antecedent basis for being the first introduction of any "notification". Appropriate correction is required.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Noble (U.S. 2003/0061484 A1).

13. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

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14. As per claim 2, Noble teaches a *system for conducting a virtual meeting comprising a computer having: associated memory and processing means for executing at least one program from said associated memory, at least one communication link that can send electronic signals to, and receive electronic signals from at least one remote user* in at least Figures 1 and 2 and associated text. Noble further teaches *at least one program including a meeting hosting program that receives instructions from users logged onto said computer and transmits such instructions to other users concurrently logged onto said computer, said at least one program including a authentication evaluating program, and said processing means executing said authentication evaluating program to enable said computer to evaluate the whether a remote user seeking access to said computer is authorized to have such access* in at least paragraph [0018].

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

17. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hotaling et al. (U.S. 5,124,912 A), in view of Noble (U.S. 2003/0061484 A1) and in further view of Chang et al. (U.S. 2001/0025299 A1), hereinafter referred to as Hotaling, Noble, and Chang, respectively.

18. As per claim 1, limitations A, B, C, and F, Hotaling, as shown, discloses “a meeting management device” that “enables the selected and hence, scheduled meeting date and time information to be sent to the specified invitees through electronic mail” and further teaches a device that allows the aforementioned transmission to include the equivalent of an agenda by disclosing, “screen 29 prompts the user to key in time, date, invitee and other information about the meeting” (see at least column 1, lines 52-55 and column 4, lines 5-9). Hotaling, further again, teaches *a notice that complies with any applicable requirements* by disclosing, “the comparison results in a determination of at least one common date and time of all specified invitees within the specified time requirements”. Hotaling does not explicitly teach a *notification including... a digital certificate that is sufficient to authorize the attendance of the specified invitees*. Noble, however, discloses a system similar to that of Hotaling’s and in at least paragraph [0040] describes one of its features by saying, “by means of the public certificate that it can prove the identity of the user... and can also confirm that the user is known and meets any entry requirements”. Noble’s system also discloses *providing said electronic meeting space*, which is evident in at least paragraph [0029] (“virtual meeting rooms”). Turning to paragraphs [0031] and [0044], Noble discloses, “client application may also use digital certificates to sign and encrypt transmitted information” and “Information sharing and voting”. Here it is evident that Noble is teaching a system capable of *delivering, collecting, and tabulating encrypted electronic ballots to those persons attending the meeting electronically*. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the device disclosed by Hotaling with the certificate/encryption based system disclosed by Noble. One would have been motivated to do so because this would enforce that users (or attendees) be held accountable for their submission in business negotiations (see Noble, in at least paragraph [0002]).

As per Claim 1, limitations D and E, Hotaling discloses an *in-person meeting space* in at least column 2, lines 1-6. Also, both Hotaling and Noble disclose systems to manage meetings electronically, yet neither explicitly teach *monitoring the attendance in said electronic meeting space... and when a quorum of attendees is reached, calling said meeting to order*, nor do they teach *providing an orderly electronic discussion among the persons in attendance at the meeting*. Chang, however, teaches an electronic meeting system where “at the time to begin a meeting... a condition to commencing a meeting is established, such as the requirement of a minimal number of members present (i.e. a quorum)” (see at least paragraph [0053]). Chang’s system further includes means for *providing an orderly electronic discussion among the persons in attendance at the meeting*, which is evident in at least paragraph [0070] where Chang discloses, “a Client Session Manager (522) allowing the collaborator to visualize the state of the multi-threaded discussion, tender discussion comments, make motions, access the server databases, and communicate with other members in the assembly”. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the system disclosed by Hotaling and Noble with the system disclosed by Chang. One would have been motivated to do so because this would allow meeting administrators to comply with the rules of formal meetings, which in turn “ensure the right of the majority, protect the rights of the minority, confine debate to the merits of the question under discussion and make the meeting run efficiently, clearly, and fairly” (see Chang, in at least paragraphs [0001]-[0008]).

19. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noble (U.S. 2003/0061484 A1), in view of what is old and well-known in the art.

20. Noble, as shown, discloses the limitations of claim 1 as described above. Noble, further discloses, “the client application 402 has local data storage 408 that stores data held for one or more meetings in which the user 412 is participating”. Noble does not explicitly teach *with proceedings from at least one physical meeting space concurrent with said virtual meeting*. However, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to allow one of the multiple meetings

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disclosed by Noble to be a physical meeting. One would have been motivated to do so because this would allow businesses to reduce the frustration of rescheduling meetings when one or more critical members cannot physically attend. Also, Noble does not explicitly teach *in which said means for providing users with proceedings includes at least one of the group consisting of a camera means and a microphone means*. However, EXAMINER TAKES OFFICIAL NOTICE that using a camera or a microphone for providing the proceedings of a physical meeting is old and well-known in the art. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine a camera or microphone with the system disclosed by Noble. One would have been motivated to do so because this would allow businesses to reduce the frustration of rescheduling meetings when one or more critical members cannot physically attend.

Conclusion

21. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Jacob C. Coppola** whose telephone number is **571.270.3922**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **JAMES A. REAGAN** can be reached at **571.272.6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

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401 Dulany Street

Alexandria, VA 22314.

/Jacob C Coppola/ Examiner, Art Unit 4143
January 22, 2008

/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143